

## TOWN OF TEMPLETON

### An Order Creating an Economic Development and Industrial Corporation (EDIC) Charge & Composition

#### 1.) **Purpose and Intent**

In accordance with MGL Ch. 121C, Section 2, Legislative Declarations, the Town of Templeton hereby creates the EDIC for the:

- Development and redevelopment of appropriate areas shall be accomplished in accordance with Templeton's Master Plan and Economic Development Plan for this community
- Retention of existing industries, attraction of new industries and promotion of the sound economic growth of this municipality and region
- Reduction in persistent unemployment and underemployment which causes hardship to many individuals and families and wastes vital human resources
- Elimination of the impediments limiting the economic and physical development of this community and adversely affecting the welfare and prosperity of the people
- Encouragement of the manufacturing and industrial sector of the economy as it provides one of the best immediate opportunities for better jobs at higher wages for inhabitants of the municipality. New industrial and manufacturing sites are required to attract and house new industries and to retain existing industries in need of expansion space
- Provision of aid to fellow local officials and the private sector with the facilitation of appropriate, eligible, zoned manufacturing and industrial uses to revitalize the community and region's industrial job base. This community is at a competitive disadvantage with other areas in the Commonwealth of Massachusetts in the process of assembling and developing industrial land resources.

All other contents of MGL Ch. 121C, Section 2, Legislative Declarations are also incorporated by reference.

#### Mission Statement

Creating and retaining jobs and increasing property tax revenue in Templeton

#### Resolution to Create the Templeton Economic Development and Industrial Corporation

The Board of Selectmen of the Town of Templeton hereby resolve that:

- A need has been identified to plan for the orderly administration of appropriate economic development initiatives
- The initiatives shall be undertaken by the Templeton Economic Development and Industrial Corporation (hereafter the "EDIC") to meet local and state economic development objectives listed below

## **2.) Authority**

This Order is adopted pursuant to MGL Ch. 121C, Section \_ authorizing the Board of Selectmen (hereafter the "Select Board") to appoint such an entity.

This Order of the Select Board shall be in adherence to MGL Chapter 121C, Economic Development and Industrial Corporations.

## **3.) Definitions**

Words used in this Order are hereby defined by MGL Ch. 121C, Section 1, Definitions, unless otherwise defined herein. Wherever the masculine gender is used it shall include the feminine and vice-versa. Shall is mandatory; may is permissive or discretionary.

In this chapter, unless a different meaning clearly appears from the context, the following words and phrases shall have the following meanings:

(1) "Corporation", the Economic Development and Industrial Corporation created by section three.

(2) "Cost of a project", all costs, whether incurred prior to or after the issue of bonds or notes hereunder, of acquisition, site development, construction, improvement, enlargement, reconstruction, alteration, machinery, equipment, furnishings, demolition or removal of existing buildings or structures, including the cost of acquiring any lands to which such buildings or structures may be moved, financing charges, interest prior to and during the carrying out of any project, interest for up to two years after completion or estimate completion date of any project, planning, engineering and legal service, administrative expense, the funding of notes issued for capital purposes, such reserve for debt service or other capital or current expenses as may be required by a trust agreement or resolution securing notes or bonds, and all other expenses incidental to the determination of the feasibility of any project or to carrying out the project or to placing the project in operation.

(2A) "Director", the director of housing and community development.

(3) "MOBD", the Massachusetts office of business development.

(4) "Economic development area", any blighted open area or any decadent area, as respectively defined in section one of chapter one hundred twenty-one B, which is located in the municipality and is zoned for general or restricted manufacturing uses or for general or waterfront industrial uses whether restricted or not, and within which there are not more than forty-five dwelling units.

(5) "Economic development plan", a detailed plan, as it may be approved from time to time by the municipality as herein provided, for one or more economic development



projects within an economic development area, which plan shall be consistent with local objectives respecting appropriate land uses, and shall be sufficiently complete to indicate the boundaries of the area, such land acquisition, such demolition, removal, and rehabilitation of structures, and such development, redevelopment and general public improvements as may be proposed to be carried out within such area, zoning and planning changes, if any, and proposed land uses, maximum densities and building requirements; provided, however, that no economic development plan shall propose zoning changes, to or from business or residential uses, or provide for any office building other than one wholly incidental to a manufacturing or industrial use within the area without the specific approval of the city or town within which the project lies.

(6) "Economic development project", (1) a project to be undertaken in accordance with an economic development plan for acquisition by the corporation of land and the improvements thereon, if any, within an economic development area covered by an economic development plan and for clearance and development of the land so acquired; or (2) a project for the rehabilitation or conservation of an economic development area, or for the demolition, removal, or rehabilitation of improvements on land within an economic development area whenever necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, mitigate or eliminate traffic congestion, reduce traffic hazards, or eliminate obsolete or other uses detrimental to the public welfare; or (3) a project involving any combination of the foregoing types of project. An economic development project may include improvements necessary for carrying out the objectives of the economic development project, together with such site improvements as are necessary for the preparation of any site for uses in accordance with the economic development plan, and making any land or improvements acquired in the area of the project available for redevelopment or rehabilitation by private enterprise, including sale, initial leasing or retention by the corporation for industrial or manufacturing uses in accordance with the economic development plan. An economic development project may also include the construction by the corporation of any of the buildings, structures or other facilities for industrial or manufacturing uses contemplated by the economic development plan and the repair, removal or rehabilitation by the corporation of any of the buildings, structures or other facilities located in the area covered by the economic development plan which, under such plan, are to be repaired, moved or rehabilitated.

(7) "Municipality", any city or town in the commonwealth which is designated by the executive office of labor and workforce development as being in an area of 'substantial unemployment'. The director may certify a municipality located in a labor area not meeting the criteria of 'substantial unemployment' as eligible under this chapter if it is determined that the municipality would by itself meet the criteria of 'substantial unemployment' were the appropriate statistics available. In order for a town to be eligible under this chapter it must also be certified by the director as satisfying the following requirements:

a. That the corporation is to become an integral part of a comprehensive development program;

- b. That the town has a demonstrable and significant demand for industrial land;
  - c. That the assembly of local industrial land by private developers or realtors is non-competitive with similar land assemblies in surrounding cities and towns due either to absolute shortage of land or to existing zoning restrictions; and
  - d. That the local redevelopment authority, if one exists, is unable to provide such assemblies of land as are necessary for economic development.
- (8) "Pollution control facilities", facilities for the prevention, avoidance, reduction, control, abatement or elimination of pollution of air or waters by industrial establishments by any means.

#### **4.) Composition & Term**

This composition of the board of directors of the EIDC, respective terms, officers, responsibilities and related duties and powers shall be as follows in accordance with MGL Ch. 121C, Section 3, Economic development and industrial corporation; authority to organize; consolidations; members of board of directors; surety bonds; compensation and reimbursements.

There is hereby authorized in each municipality in the commonwealth the organization of an economic development and industrial corporation, a public body politic and corporate, hereinafter referred to as the corporation. No such corporation, however, shall be organized, transact any business, employ any personnel or exercise any powers until the Select Board shall by vote declare a need for such a corporation because unemployment or the threat thereof exists in the city or town or that security against future unemployment and lack of business opportunity is required and that attracting new industry into the municipality and substantially expanding existing industry through an economic development project or projects financed under this chapter and implemented by such a corporation would alleviate the unemployment and lack of business opportunity problems.

There shall be seven members of the board of directors of the corporation who shall be appointed by the Select Board, as follows:

- One member shall be experienced in industrial development
- One in financial matters
- One in real estate matters
- One in municipal government
- At least one member representative of low income people who shall be chosen from a list of three submitted by the regional or local community action agency or, where there is no such agency, from a list of three submitted by the department of housing and community development.



### Appointments of Chairman and Vice Chairman

The Select Board shall designate one of the seven members as chairman and another as vice-chairman.

### Oath

Each of the seven members shall be sworn to the faithful performance of his official duties as a director of the corporation.

### Quorum

A majority of the seven directors shall constitute a quorum for the transaction of any business, but the action of a majority of the entire board shall be necessary for any transaction.

### MGL Chapter 30A, Section 11A

For the purposes of section eleven A of chapter thirty A of the General Laws, the corporation shall be deemed to be an authority established by the general court to serve a public purpose in the commonwealth.

### Terms of Members of the Board of Directors of the EDIC

Of the members of the corporation first appointed, two shall be appointed to serve for one year from the first day of July in the current year, two for two years from said date, and three for three years from said date. Upon the expiration of the term of office of any such member, or of any subsequent member, his successor shall be appointed in like manner for a term of three years. In the event of a vacancy in the office of a member, his successor shall be appointed in like manner to serve for the unexpired term. Unless reappointed, no member of the corporation shall hold office after the expiration of his term; and the appointment of a successor to any person whose term has expired shall be for the remainder of the term which would have begun at such expiration if the successor had then been appointed.

### Removal of a Board Member

Any member may be removed by the Select Board for malfeasance, misfeasance, or wilful neglect of duty, but only after reasonable notice and a public hearing, unless the same are in writing expressly waived, and after approval by MOBD. For purposes of chapter two hundred sixty-eight A of the General Laws, the members of the corporation shall be deemed to be special municipal employees.

### Surety

Before the issuance of any bonds under the provisions of this act, each member of the corporation shall execute a surety bond with a surety company authorized to transact business in this commonwealth as surety, in the penal sum of fifty thousand dollars conditioned upon the faithful performance of the duties of his office, each such surety bond to be approved by the legal counsel of the municipality and filed in the office of the state secretary. The members of the corporation shall receive no compensation for the performance of their duties hereunder, but each member shall be reimbursed for expenses actually incurred in the performance of his duties. Every such reimbursement shall be open to public inspection from and after the requisition therefor.

### **5.) Powers and Duties**

Powers of the EDIC shall be as follows in accordance with MGL Ch. 121C, Section 3, Powers of corporation; payment of relocation costs.

The corporation is hereby authorized:

- (a) To sue and be sued in its own name, and plead and be impleaded.
- (b) To adopt by-laws for the regulation of its affairs and the conduct of its business, and to alter the same at its pleasure.
- (c) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts and attorneys and such other employees, agents and consultants as may be necessary in its judgment, and to fix their compensation.
- (d) To receive and accept from any federal agency, the commonwealth or the municipality grants, loans or advances for or in aid of an economic development project or projects and to receive and accept contributions from any source of either money, property, labor or other things of value, to be held, used and applied for the purposes for which such grants, loans, advances and contributions may be made. A municipality may borrow outside its debt limits to obtain money for loan to a corporation, or within its debt limits to obtain money for grants to a corporation, with the approval of MOBD and secretary.
- (e) To borrow money, and, from time to time, to make, accept, endorse, execute, and issue bonds, debentures, promissory notes, bills of exchange, and other obligations of the corporation, for moneys borrowed or in payment for property acquired or for any of the other purposes of the corporation, and to secure the payment of such obligations by mortgage, pledge, deed, indenture, agreement, or other instrument of trust, or by other lien upon, assignment of, or agreement in regard to all or any part of the property, rights, or privileges of the corporation.



(f) To issue revenue bonds of the corporation, payable solely from revenues, for the purpose of paying all or any part of the cost of a project or projects, except that a municipality may, upon request by a corporation, may pledge its full faith and credit to the solvency of a corporation.

(g) To invest any funds not required for immediate use or disbursement in certificates of deposit or in obligations of the government of the United States or in obligations the payment of the principal of, and interest on, which is guaranteed by the government of the United States.

(h) To provide such advisory services and technical assistance as may be necessary or desirable to carry out the purposes of this act.

(i) To prepare or cause to be prepared plans, designs, drawings, specifications and estimates of cost for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair of economic development projects and from time to time modify such plans, designs, drawings, specifications and estimates.

(j) To finance pollution control facilities in the same manner provided by this chapter for economic development projects, in which event all provisions of this chapter which are applicable to economic development projects apply to the pollution control facilities, insofar as such provisions are apt, except as otherwise provided.

(k) Subject to the approval of the municipality to designate areas of the city as economic development areas.

(l) To acquire and hold by bequest, devise, grant, gift, purchase, exchange, lease, judicial order or decree, or otherwise, for any of its objects and purposes, any property, either real or personal, or any interest therein; and without limiting the generality of the foregoing, to acquire by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the power of eminent domain following a public hearing and an affirmative two thirds vote of the city council with the approval of the mayor or city manager, as the case may be in a city, or by an affirmative two thirds vote at an annual town meeting or a special town meeting called for the purpose, in a town, with the advice of MOBD and the director, with the provisions of chapter seventy-nine or chapter eighty A in so far as such provisions may be applicable, such private lands, or any interests therein, as it may deem necessary for carrying out the provisions of this act or for providing for the relocation of persons and businesses displaced as a result of carrying out an economic development plan. The provisions of section forty of said chapter seventy-nine shall apply to any taking by the corporation, except that the security therein required shall be deposited with the treasurer of the municipality and shall be in an amount at least twenty-five per cent higher than the aggregate average assessed valuations in the three previous calendar years of all real estate to be taken by eminent domain. Prior to approval of an economic development plan by the municipality after such a public hearing and in the manner described in this subsection, with the advice of

MOBD and director, the date as of which the value of such lands shall be determined for eminent domain purposes shall be the date on which the said economic development plan was first submitted to the municipality.

(m) To make relocation payments to persons and businesses displaced as a result of carrying out an economic development plan, including such payments on a pro tanto basis.

(n) To procure insurance against any loss in connection with its property and other assets and operations in such amounts and from such insurers as it deems desirable.

(o) To clear and improve property acquired by it, and to engage in or contract for the construction, reconstruction, development, redevelopment, rehabilitation, remodeling, alteration or repair thereof.

(p) To arrange or contract with the municipality for the planning, replanning, opening, grading or closing of streets, roads, alleys or other places or for the furnishing of facilities or for the acquisition by the municipality of property or property rights or for the furnishing of property or services in connection with a project or projects.

(q) To sell, convey, mortgage, lease, transfer option, exchange or otherwise dispose of, any property, either real or personal, or any interest therein, as the objects and purposes of the corporation may require, subject to such limitations as may be prescribed by law.

(r) To loan on mortgages, including purchase money mortgages, on real estate and personal property within economic development areas, to foreclose the same when in default, and to bid for and purchase property at any foreclosure or other sale; and in such event, to deal with such property in such manner as may be necessary or desirable to protect the interests of the corporation therein.

(s) To manage any project whether owned or leased by the corporation and to enter into agreements with the commonwealth or the municipality or any agency or instrumentality thereof or with any person, firm, partnership or corporation either public or private for the purpose of causing any project to be managed.

(t) To act with respect to one or more projects as a corporation organized under section three or section eighteen B of chapter one hundred twenty-one A of the General Laws; provided that the accounts for each project shall be kept separately, and the income of one project shall not be expended upon or for the benefit of another project.

(u) To borrow money for the purposes of aiding in the construction of equipment required by the commonwealth or United States to abate air or water pollution.

(v) To do all acts and things necessary or convenient to carry out the powers expressly granted in this act.



The corporation is hereby directed to pay the reasonable relocation costs of persons and businesses displaced as a result of carrying out an economic development plan as authorized by clause (1) of this section; provided, that the corporation shall not be required hereby to pay or contribute to the payment of such costs of any relocatee in excess of twenty-five thousand dollars.

**6.) Predecessors and Successors**

Upon the effective date of this Order, the Economic Development Committee is hereby dissolved. All records, property, equipment, and facilities owned by the town and under the control of the offices, boards, or commissions which are abolished or superseded by this Order shall be transferred to and be under the control of the EDIC.

**7.) Severability**

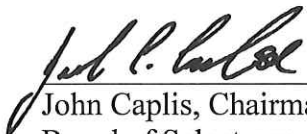
The provisions of this Order shall be severable. If any portion of this Order is determined by any court of competent jurisdiction to be unenforceable or illegal, then all other portions of this Order to create the EDIC not expressly found to be unenforceable or illegal shall remain fully in effect.

**8.) Effective Date**

This Order is effective on October 10, 2017, and supersedes all previous orders or policies relative to or in conflict with this matter and the procedures described herein.

Approved and adopted this 10<sup>th</sup> day of October, 2017 by a vote of 3 in favor, 0 opposed and 2 in abstention (absent).

Certified as to a True and Accurate Vote



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John Caplis, Chairman  
Board of Selectmen  
Town of Templeton